

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

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| UNITED STATES OF AMERICA |) | |
| |) | No. 21 CR 316 |
| v. |) | |
| |) | Judge Andrea R. Wood |
| MATTHEW SCHWARTZ |) | |

**MOTION OF THE UNITED STATES FOR ENTRY OF
PRELIMINARY ORDER OF FORFEITURE**

The United States of America, through JOHN R. LAUSCH, JR., United States Attorney for the Northern District of Illinois, moves for entry of a preliminary order of forfeiture as to specific property pursuant to the provisions of Title 18, United States Code, Section 2253 and Federal Rules of Criminal Procedure 32.2, and in support thereof submits the following:

1. On August 23, 2022, a superseding information was filed charging defendant MATTHEW SCHWARTZ with knowingly possessing material, namely a SanDisk USB thumb drive that contained an image of child pornography as defined in Title 18 United States Code, Section 2252A(a)(5)(B). The superseding information sought forfeiture to the United States of property that was used, or intended to be used, to commit and to promote the commission of the charged offenses.

2. On August 23, 2022, defendant MATTHEW SCHWARTZ entered a voluntary plea of guilty to the sole count of the superseding information. Pursuant to the terms of the plea agreement and as a result of his violations of Title 18 United States Code, Section 2252A(a)(5)(B), defendant MATTHEW SCHWARTZ agreed that certain property, including but not limited to: a San Disk USB thumb drive, is subject to forfeiture pursuant to the provisions of Title 18 United States Code, Section 2253.

3. Defendant MATTHEW SCHWARTZ has agreed to the entry of a preliminary order of forfeiture relinquishing any right, title or interest he has in the foregoing property pursuant to Title 18 United States Code, Section 2253, for disposition according to law.

4. Pursuant to Federal Rule of Criminal Procedure 32.2(b)(2)(B), unless doing so is impractical, the court must enter the preliminary order of forfeiture sufficiently in advance of sentencing to allow the parties to suggest revisions or modifications before the order becomes final as to the defendant at sentencing.

5. In accordance with this provision, the United States requests that this Court enter a preliminary order of forfeiture against defendant MATTHEW SCHWARTZ as to the foregoing property because the property was used, or intended to be used, to commit and to promote the commission of the offenses of conviction.

6. Pursuant to the provisions of Title 21 United States Code, Section 853(g), as incorporated by Title 18 United States Code, Section 2253(b), upon entry of this preliminary order of forfeiture, the Federal Bureau of Investigation shall seize and take custody of the foregoing property for disposition according to law.

7. Further, pursuant to the provisions of Title 21 United States Code, Section 853(n)(1), as incorporated by Title 18 United States Code, Section 2253(b), upon entry of a preliminary order of forfeiture, the United States shall publish notice of this order and of its intent to dispose of the property according to law. The government may also, pursuant to the statute, to the extent practicable, provide written notice to any person known to have alleged an interest in the property that is the subject of the preliminary order of forfeiture. The government is unaware, at this time, of anyone who qualifies for such notice.

8. Further, pursuant to the provisions of Title 21 United States Code, Section 853(n)(2), as incorporated by Title 18 United States Code, Section 2253(b), if following notice as directed by this Court, and Title 21 United States Code, Section 853(n)(1), as incorporated by Title 18 United States Code, Section 2253(b), any person, other than the defendant, asserts an interest in the property that has been ordered forfeited to the United States, within thirty days of the final publication of notice or this receipt of notice under paragraph seven (7), whichever is earlier, and petitions this Court for a hearing to adjudicate the validity of this alleged interest in the property, the government shall request a hearing. The hearing shall be held before the Court alone, without a jury.

9. The United States requests that the terms and conditions of the preliminary order of forfeiture entered by the Court be made part of the sentence imposed against defendant MATTHEW SCHWARTZ and included in any judgment and commitment order entered in this case against him.

WHEREFORE, pursuant to the provisions of Title 18 United States Code, Section 2253, and Federal Rule of Criminal Procedure 32.2, the United States requests that this court enter a preliminary order of forfeiture as to the foregoing property, in accordance with the draft preliminary order of forfeiture, which is submitted herewith.

Respectfully submitted,

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